



**Town of Amherst
Board of Selectman**

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Received
8/26/13

August 12, 2013

USEPA
5 Post Office Square – Suite 100
Mail code – OEP06-1
Boston, Ma. 02109-3912
Attn: Newton Tedder

RE: Comments to the 2013 Draft MS4 NPDES Permit

Dear Mr. Tedder:

Please accept the following comments on behalf of the Town of Amherst regarding the proposed 2013 Draft MS4 NPDES Permit issued on February 12, 2013. Clean water is important to everyone, the town acknowledges the complexity of such requirements and expresses its appreciation for granting two extensions. The extension has given Amherst and other communities an opportunity to the best of our individual skill level to review the proposed language contained in the permit and consider its ramifications.

Amherst would also like to use this format to acknowledge the staff of NHDES who have worked with us, the Nashua Regional Planning Commission, and the Baboosic Lake Association to work cooperatively and further opportunities as we serve our citizens in a cost effective manner and work toward the Clean Water Act requirements. The Town of Amherst certainly hopes once the comment period closes and EPA begins the task of addressing comments, it will find common ground that all can work from.

Because of our limited staffing resources, and the complexity of the permit proposals, the Town of Amherst has committed itself to the MS-4 Coalition. Besides the written comments already presented by our Public Works and Community Development Directors, additional comments will be submitted on behalf of the Town of Amherst through Coalition Council, Sheehan, Piney, Bass & Green, PA.

We want to be crystal clear; the Town of Amherst supports clean water. However requirements must be based on solid data not limited testing and "good engineering assumptions". Baboosic Lake is included in the 2010 list of threatened or impaired waters that require a TMDL. A report prepared and presented to EPA in January of 2011 (Project: EPA-SMP-07-002) does not

acknowledge the existence of the town's Community Septic serving forty-four homes (dating back to 2005). The report assumes each one of these has their own individual septic within one hundred fifty feet of the lake. We question the prosperous conclusions that have been made. It is extremely important that water sampling information used as a basis for the impairment requirements are up to date and reflect current EPA guidelines.

Section 2.2.7.d.iii requires sweeping of uncurbed streets. We question the practicality of this. Amherst has ground speed controls mounted on almost all of its own equipment limiting the amount of product dispensed. We use a fifty-fifty salt sand mix to treat our roads during winter months. Both practices limit the amount of chlorides released to the environment. This mixture of brine and sand is often cast several feet from the asphalt edge during plowing. Uncurbed streets are in effect, self-cleaning, sweeping is wasteful and an inefficient use of limited resources.

Again, I encourage you to meet and confer, at the close of the comment period, with all MS-4 communities in an effort to develop the most efficient and effective method to comply with the permit objectives. We believe, and hope you do as well, that this will foster a better understanding between the EPA and local communities. We recommend this be done while EPA responds to comments which aid in revisiting the permit to ensure that local communities receive a more comprehensive permit, preserves the environment, and wisely uses limited local resources.

Sincerely,

A handwritten signature in black ink, appearing to read "James O'Mara". The signature is stylized with a large, looped initial "J" and a cursive "O'Mara".

James O'Mara
Town Administrator
Town of Amherst, NH

Cc: Amherst Board of Selectman
Sarah Marchant, Office of Comm. Dev. Dir.
Bruce Berry, Dir. Of DPW
John E Peltoner, Esq. S P B & G
Vicky Quiram, NHDES